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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAYCOB TYLER KUTZERA,

Defendant.

Case No. CR-17-48-GF-BMM

**UNOPPOSED MOTION FOR
POSTPONEMENT OF TRIAL
AND EXTENSION OF ALL
DEADLINES**

COMES NOW, Jaycob Tyler Kutzera, by and through his Counsel Evangelo Arvanetes, Assistant Federal Defender, and the Federal Defenders of Montana, and respectfully moves for this Court pursuant to the criteria set forth in *Armant v. Marquez*, 772 F.2d 552 (9th Cir. 1985), to order a continuance of the Jury Trial – at least 60 days from the trial date currently set for October 2, 2017.

The case is very serious with multiple counts of sexual exploitation of a minor. Mr. Kutzera is looking at a potential total sentence of 540 years. As such, it is imperative that the undersigned have the proper time to interview witnesses, review discovery and finally discuss the discovery and trial strategy with Mr. Kutzera.

The time period of 60 days from the current trial date should provide the time to be prepared for jury trial.

Concurrent with this request to continue the trial, the undersigned respectfully asks that the deadlines for Pre-Trial Motions, Change of Plea, and Jury Instructions/Trial Briefs also be extended.

This Motion is made and based upon the Due Process Clause of the Fifth Amendment to the United States Constitution, the Fair Trial Provisions of the Sixth Amendment to the United States Constitution, the Speedy Trial Act of 1974 (18 U.S.C. § 3161 et.seq.) and the Memorandum in Support of Motion for Postponement of Trial and Extension of All Deadlines.

Pursuant to local rule, Assistant United States Attorney Cyndee L. Peterson has been contacted, and she has no objection to this trial continuance.

WHEREFORE, Mr. Kutzera who is on pre-trial release requests additional time to prepare for jury trial in the present matter. Due to the serious multiple allegations, time is needed to prepare for this case. Thus the undersigned requests an extension

of 60 days from the current trial setting of October 2, 2017.

RESPECTFULLY SUBMITTED this 1st day of September, 2017.

/s/ Evangelo Arvanetes

**CERTIFICATE OF SERVICE
L.R. 5.2(b)**

I hereby certify that on September 1, 2017, a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM-ECF
 Hand Delivery
 3 Mail
 Overnight Delivery Service
 Fax
 E-Mail

1. CLERK, UNITED STATES DISTRICT COURT
2. CYNDEE L. PETERSON
Assistant United States Attorney
United States Attorney's Office
Counsel for the United States of America
3. JAYCOB TYLER KUTZERA
Defendant

/s/ Evangelo Arvanetes